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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JENNIFER STERNS
5717 Baltimore Drive, #117
La Mesa, CA 91942

Physical Therapist Assistant License
No. AT 2917

Respondent.

Case No. 1D-2002 63135

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 3, 2003, Complainant Steven K. Hartzell, in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs, filed Accusation No. 1D-2002 63135 against JENNIFER STERNS (Respondent) before the Physical Therapy Board of California.

2. On or about October 10, 1992, the Physical Therapy Board of California (Board) issued Physical Therapist Assistant License No. AT 2917 to Respondent. The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2004, unless renewed.

3. On or about June 3, 2003, Elsa Ybarra, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. 1D-2002 63135, Statement to

Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 5717 Baltimore Drive, #117, La Mesa, CA 91942. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about June 5, 2003, the green receipt card was signed and returned to the Board by the U.S. Postal Service indicating receipt of the aforementioned documents. The street number "5717" was crossed off and 5715 was handwritten on card. A copy of the green receipt card is attached hereto as Exhibit B, and is incorporated herein by reference.

6. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1D-2002 63135.

8. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A finds that the allegations in Accusation No. 1D-2002 63135 are true.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent JENNIFER STERNS
3 has subjected her Physical Therapist Assistant License No. AT 2917 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of
5 Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Physical Therapy Board of California is authorized to revoke
8 Respondent's Physical Therapist Assistant License based upon the following violations alleged in
9 the Accusation:

10 a. Business and Professions Code section 2660(d) - Conviction of a
11 Crime];

12 b. Business and Professions Code section 2660(f) - Habitual
13 intemperance;

14 c. Business and Professions Code section 2660(g) - Addiction to the
15 excessive use of any habit-forming drug;

16 d. Business and Professions Code section 2660 (l) -
17 Commission of any fraudulent, dishonest, or corrupt act; and

18 e. Business and Professions Code section 2239 -
19 Use/Administering a Controlled Substance.

20 ORDER

21 IT IS SO ORDERED that Physical Therapist Assistant License No. AT 2917,
22 heretofore issued to Respondent JENNIFER STERNS, is revoked.

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1 Pursuant to Government Code section 11520, subdivision (c), Respondent may
2 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
3 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
4 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
5 statute.

6 This Decision shall become effective on March 5, 2004.

7 It is so ORDERED February 4, 2004.

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9 Original Signed By: Donald Chu, PhD, PT
10 FOR THE PHYSICAL THERAPY BOARD OF
11 CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

12 Attachments:

13 Exhibit A: Accusation No.1D-2002 63135, Related Documents, and Declaration of Service
14 Exhibit B: Green Postal Receipt Card

15 DOJ docket number:03575160-SD2003AD0197
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Exhibit A

Accusation No. 1D-2002 63135,
Related Documents and Declaration of Service

Exhibit B
Postal Green Receipt Card

